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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/937,708	12/31/2001	Knut Adams	1454.1102	7003

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STAAS & HALSEY LLP  
SUITE 700  
1201 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

EXAMINER

MANCHO, RONNIE M

ART UNIT	PAPER NUMBER
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3663

DATE MAILED: 09/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/937,708

Applicant(s)

ADAMS ET AL.

Examiner

Ronnie Mancho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 1, 15 are objected to because of the following informalities:

In claims 1&15, the applicant is advised to use the proper punctuation in the claim for clarity. The applicant is therefore advised to rewrite the claims in proper Idiomatic English.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 21, "the output data (18)" lacks antecedent basis.

Claims 2-14 are rejected for depending on claim 1.

In claim 4, the phrase "the source-specific addresses" lacks antecedent basis.

In claim 6, the phrase "the supply voltage" lacks antecedent basis. In addition, claim 6 is not clear.

In claim 7, the phrase "the first memory" lacks antecedent basis.

Claim 8 is not clear.

In claim 11, "[lacuna]" is not clear.

***Double Patenting***

4. Claim 1 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 15.

When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

5. In other words, the subject matter of claim 15 can all be found in claim 1.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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7. Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Westerlage et al (6295449)

Regarding claim 1, Westerlage et al (figs. 5-12) disclose an apparatus for, in particular mobile, data acquisition comprising:

at least one input interface (238, 240, 266, 272-276, etc; fig. 7) for supplying input signals to a vehicle, a machine etc, wherein the input signals represent operating data (col. 15, lines 53-65; col. 16, lines 25-45) relating to the vehicle, machine etc;

a signal processing apparatus 246 (col. 16, lines 25-45) coupled to the input interface (238, 240, 266, 272-276, etc; fig. 7) for signal processing of the input signals supplied via the input interface, and for recording data (col. 16, lines 25-45) predetermined in the input signals at predetermined times;

an output interface 216 (col. 7, lines 53-65; col. 16, lines 25-45) for supplying output data (see wireless link, figs. 5-7) derived from the input signals, wherein the input signals are supplied to the signal processing apparatus 246 in accordance with rules (instructions, col. 16, lines 25-45) predetermined by the signal processing apparatus 246, and wherein the output data (see wireless link, figs. 5-7) is supplied to a transmitting/receiving unit 218 (figs. 5&6) for automatic transmission, and/or transmission initiated on request, to a control center (host 226, figs. 5&6) and/or to a predetermined receiver.

Regarding claim 2, Westerlage et al (figs. 5-12) disclose the apparatus as claimed in claim 1, characterized in that the apparatus has at least one memory which can be written to, for storage of an operating system for the apparatus and/or the rules which can be predetermined, in which case this memory can be remotely loaded via the transmitting/receiving unit.

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Regarding claim 3, Westerlage et al (figs. 5-12) disclose the apparatus as claimed in claim 1, characterized in that the apparatus has a data converter, which is arranged between the input interface and the signal processing device and which is used for removing distortion from the supplied input signals and for providing a standard data format for the input signals which are supplied via the input interface or interfaces.

Regarding claim 4, Westerlage et al (figs. 5-12) disclose the apparatus as claimed in one of claim 1, characterized in that the apparatus has an address allocation unit, which is provided between the data converter and the input interface or interfaces, and is intended for conversion of a source-specific addresses of the input signals to the address format of the data converter.

Regarding claim 5, Westerlage et al (figs. 5-12) disclose the apparatus as claimed in one of claims 1, characterized in that the signal processing apparatus has a data analysis unit, which is intended for recording selected input signals at times which can be predetermined, in which case the recording rules are predetermined starting from the control center for short-term monitoring of information which can be derived from the input signals.

Regarding claim 6 (as best understood), Westerlage et al (figs. 5-12) disclose the apparatus as claimed in one of claim 5, characterized in that the apparatus is installed in a mobile vehicle which is operated by a motor or engine, and has a connecting apparatus for connecting to a supply voltage in the vehicle, in that the apparatus has means for detection of at least one supply voltage source (figs. 1&7).

Regarding claim 7, Westerlage et al (figs. 5-12) disclose the apparatus as claimed in one of claim 6 characterized in that the signal processing apparatus has a data processing unit for recording information data which can be derived from the input signals in accordance with rules

which can be predetermined, and in that the apparatus has a first memory for storage of the rules for the data processing unit.

Regarding claim 8, Westerlage et al (figs. 5-12) disclose the apparatus as claimed in one of claim 7 including two memory areas, with a first memory area containing rules for the supply voltage source in operating mode, and a second memory area containing rules for the supply voltage source not in operating mode.

Regarding claim 9, Westerlage et al (figs. 5-12) disclose the apparatus as claimed in one of claim 8, characterized in that the signal processing apparatus has an alarm unit for monitoring information data which can be derived from the input signals in accordance with alarm rules which can be predetermined, and in that the apparatus has a second memory for storage of the rules for the alarm unit.

Regarding claim 10, Westerlage et al (figs. 5-12) disclose the apparatus as claimed in one of claim 9, characterized in that the apparatus (MC) has an alarm archive for entering alarms that have occurred.

Regarding claim 11 (as best understood) Westerlage et al (figs. 5-12) disclose the apparatus as claimed in one of claim 10, characterized in that the signal processing apparatus controls a monitoring unit for direct monitoring of input signals and/or of information data which can be derived from the input signals.

Regarding claim 12, Westerlage et al (figs. 5-12) disclose the apparatus as claimed in one of claim 11 characterized in that the control center has a control and monitoring system (372, fig. 12) which is also intended for direct control of operating modes of a vehicle which is coupled to the apparatus, via control signals.

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Regarding claim 13, Westerlage et al (figs. 5-12) disclose the apparatus as claimed in one of claim 12 characterized in that the apparatus can be coupled to a GPS receiver.

Regarding claim 13, Westerlage et al (figs. 5-12) disclose the apparatus as claimed in one of claim 13 characterized in that the apparatus is integrated in a car radio receiver and/or in a car radio receiver/mobile telephone appliance combination.

Regarding claim 15 (as best understood), Westerlage et al (figs. 5-12) disclose a method for, in particular mobile, data acquisition of input signals which are supplied via at least one input interface in particular of operating data relating to a vehicle, a machine etc., in which the input interface is coupled to a signal processing apparatus for signal processing of the input signals which are supplied via the input interface in which data which can be predetermined in the input signals are recorded by the signal processing apparatus at times which can be predetermined, and output data is derived from the input signals in the signal processing apparatus in accordance with rules which can be predetermined, which output data is passed on automatically to a transmitting/receiving unit and/or on request to a control center and/or to a predetermined addressee (col. 3-18).

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following: 3838251, 6542739, and 6154658 all disclose a vehicle communication system.



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*Communication*

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronnie Mancho whose telephone number is 703-305-6318. The examiner can normally be reached on Mon-Thurs; 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Black can be reached on 703-305-9707. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Ronnie Mancho  
Examiner  
Art Unit 3663

9/7/03

  
THOMAS C. BLACK  
SUPERVISORY PATENT EXAMINER  
GROUP 2600